THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.28475 of 1998

Date 10-10-2007

Between:
B. Solmon

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PETITIONER
AND

The Superintending Surveyor Incharge,
43 Party, South South east circle, PMP,
Survey of India, Uppal, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.28475 of 1998

ORDER: (per Smt. T.Meena Kumari,J)

The petitioner filed the present writ petition seeking a Writ of Certiorari to call for the records relating to and connected with the orders dated 18.11.1996 of the 1st respondent; 22.12.1997 of the 2nd respondent; 7.7.1998 of the third respondent and 4.9.1998 of the Central Administrative Tribunal in O.A. No.1081 of 1998 and to quash the same.

The facts in brief are that the petitioner herein was appointed as a Topo Trainee Type B, Grade IV in the year 1983 and thereafter he was promoted to Grade II. While so, he was charged with certain imputations of mis-conduct on the basis of report of Board of Enquiry. Thereafter, the 1st respondent passed orders on 18.11.1996 imposing punishment of withholding of next increment of pay for a period of two years. Aggrieved, the petitioner preferred an appeal before the appellate authority, the 2nd respondent herein. The 2nd respondent through orders dated 22.12.1997 while modifying the order of the disciplinary authority, directed withholding of the next increment of pay for a period of two years without prejudice to future increments. Assailing the same, the petitioner filed a revision before the third respondent, revisional authority. The revisional authority, through orders dated 16.2.1998, dismissed the revision while confirming the order of the appellate authority. Aggrieved, the petitioner preferred O.A. No. 1081 of 1998 before the Central Administrative Tribunal, Hyderbaad Bench. The Tribunal, through the order impugned in this writ petition,

dismissed the O.A. Hence, the present writ petition.

Admittedly, the disciplinary authority, on the basis of the material on record, imposed the punishment of withholding of next increment of pay for a period of two years. When the said order was challenged before the appellate authority, the appellate authority did not interfere with the finding of the disciplinary authority holding the petitioner guilty of the mis-conduct, it, however, modified the punishment imposed against the petitioner and directed withholding of next one increment of pay for a period of two years without prejudice to future increments. On revision, the revisional authority while confirming the finding of the appellate authority, dismissed the revision. The petitioner again filed O.A. before the Tribunal. The Tribunal, having gone through the material on record, found that the misconduct alleged against the incumbent was of a very minor nature, and as per Rule 16 of the Central Civil Services (Classification, Control & Appeals) Rules, it was not incumbent for the disciplinary authority to give the delinquent an opportunity to inspect the relevant records. However, it found that the disciplinary authority had granted such an opportunity to the petitioner. The Tribunal further observed in the impugned order that since the mis-conduct alleged against the petitioner was of a minor nature, no departmental enquiry was to be held, but, in the case of the petitioner, it was actually held and in those circumstances, it declined to interfere with the orders of the disciplinary, appellate and revisional authorities.

In the circumstances, we do not find any illegality or irregularity in the order of the Tribunal warranting interference. The writ petition fails and the same is accordingly dismissed. No costs.

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T. MEENA KUMARI,J

DATE: 10th October, 2007

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G. CHANDRAIAH,J

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